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. . . . The 47th meeting of the CIA RETIREMENT BOARD
convened at 2:00 p.m. on Tuesday, 8 November 1966, with the following
present:

	Mr. Emmett D. Echols, Chairman
	Mr. [REDACTED] DP Member
25X1A9a	Mr. [REDACTED], DDP Member
	Mr. [REDACTED] Member
	Mr. [REDACTED] I Member
	Dr. [REDACTED] S&T Member
	Mr. Alan M. Warfield, DDS Member
	Mr. [REDACTED] Legal Adviser
25X1A9a	Mr. [REDACTED] Finance Adviser
	Mr. [REDACTED] Executive Secretary
	Mrs. [REDACTED] Recording Secretary

MR. ECHOLS: I have a couple of things to add to the agenda today that are of great interest, I think, but I would suggest we look at the Minutes of our last meeting first. Are there any additions or corrections?

MR. WARFIELD: I have a question. I think that this program now is over two years old, or nearly two years old, or something like that, and I think we have almost reached the point where we shouldn't do this [REDACTED] barter deal with the DCI: (reading from Minutes) "Designation recommended with the proviso that his formal designation be suspended until it was known that the Director of Central Intelligence had approved the request of the Clandestine Services Career Service for an extension of his service from the date of designation until 31 December 1966." This is, I think, exactly what Mr. Helms and Col. White are concerned about -- unless there's more here - because I wasn't here at the last meeting, so I may be just taking this out of context.

MR. ECHOLS: Well, I think this only has application during our initial review of cases. (These are) persons who are already beyond mandatory retirement age. This should disappear within a very short time, never to come up again.

MR. WARFIELD: The question, though, I think, Emmett, is that we're here now, two years later -- this man could have been designated two years ago. I have no interest in this particular case, but just as a matter

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of policy I think that we ought not to be coming up two years after the program is initiated -- and admittedly there we were swamped and there was no opportunity except to do it this way on the initial go-around -- this was reasonable -- but I would hope that we can get away from that now.

MR. ECHOLS: Do you know, Phil, how many individuals have not yet been processed who are already past the mandatory retirement age?

25X1A9a MR. [REDACTED] No, sir.

MR. ECHOLS: Do you know of any, Gerry?

25X1A9a MR. [REDACTED] No, but I would think not very many.

MR. ECHOLS: At most there could be a handful. But it's unavoidable, as I see it, when they do come up. Maybe preferably we should have taken these cases up long since -- but we can't re-do history.

MR. WARFIELD: Well, [REDACTED] except that it ^{ILLEGIB} seems to me now, at this late date, after all the water that has gone under-- when you designate a man and he must mandatorily retire, that you either go ahead and retire him or you put in a request to Mr. Helms for an extension, rather than to play it both ways -- I don't think that is in keeping with the spirit--

MR. ECHOLS: You are suggesting that the DD/P immediately request extensions for any persons who have not already been designated, and get those approved, without waiting for us to be processing the case?

25X1A9a MR. [REDACTED] They've got extensions under the Civil Service Act, haven't they?

MR. ECHOLS: That is true.

25X1A9a MR. [REDACTED] The DD/P can extend anybody who is under Civil [REDACTED] Service.

25X1A9a MR. [REDACTED] But I think our Regulation says the Director can approve the extension of a participant, and I think since the Board makes him a participant we have to go through this stage so we can rightfully say at least the Board has approved it--

MR. ECHOLS: You would have the Director approving the

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extension under this system of a guy who wasn't in the System. How would you do that?

25X1A9a MR. [REDACTED] Would it help to have the Board action initially here to recommend the designation of an individual who was a participant in the System, period. You could just stop there -- and if they get involved later in putting in for retirement or an extension--

MR. ECHOLS: Does the memo that goes to the Director make any reference to the man having just been designated --

25X1A9a MR. [REDACTED] It refers to him as a participant, with the understanding that it has been through this Board--

MR. ECHOLS: Well, the Board has approved it, but--

25X1A9a MR. [REDACTED] Why couldn't it say the Board has approved it and we are about ready to designate the man as a participant in the System and we would like to know if the DCI would approve this extension.

MR. WARFIELD: But don't put in - "if you don't, we are not going to designate him." That is the way this one reads.

25X1A9a MR. [REDACTED] I asked this question last time before the meeting started, and I thought that the reason was that the two used to be done simultaneously when Emmett had the authority -- and, Emmett, you said you didn't have the authority now but I thought you were going to try to get it --

MR. ECHOLS: I have not been successful in that -- and there is no indication that I am going to get it yet, either.

25X1A9a MR. [REDACTED] But I don't see why you can't do it that way. The Board has approved the fact that he will be designated to this System. We want to know whether he would extend him without his actually having to become a participant in this System. The thing that is going to bother the DCI if he is going to grant the extension is the argument that you're using for the extension, and I think that is the thing that you lay the groundwork on -- why we need this fellow extended and whether or not he is a participant in the System, I don't think he would care, except he ought to know the Board has passed

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on it and is ready to make him a participant in the System.

25X1A9a MR. [REDACTED] What has the request for extension of his services to do with the Board's action as to whether he ought to be--

25X1A9a MR. [REDACTED] Except if he is already made a participant in the System, the minute it happens you have got to retire him -- automatically he is retired, because he is beyond the age limit, Paul.

MR. ECHOLS: Well, what we have seen here is the language we have used in our Minutes, but we haven't seen the language that we use in our transmittal to the Director, and I would like to look into that and see what language we have been using. Now maybe it's perfectly all right--

MR. WARFIELD: Mind [REDACTED] you, I'm not fighting this case. I just think it's a little awkward that it be reflected in the Minutes this way.

MR. ECHOLS: Is the memo to the Director signed by the Deputy Director concerned? If it is, then I think the memo to the Director perhaps makes no reference to this Board, does it?

25X1A9a MR. [REDACTED] I have one here.

MR. ECHOLS: This one is to the DCI, written and signed by Dez FitzGerald. (Reading): This memo contains a recommendation for your approval. This recommendation is contained in paragraph 4. It is requested approval be granted to defer the scheduled date of retirement of Mr. So and So from August 1966 to 31 July 1967 will permit Mr. So and So to complete his assignment overseas. It is therefore recommended, because of his linguistic capability and the importance to so and so Station to have this capability that under the provisions of HR [REDACTED] 25X1A the retirement of So and So be extended in order that he may complete his current tour and enable us to locate and train a replacement.

So, the memo to the Director makes no reference to the fact that we are holding in abeyance his designation. In fact, we are waiting for this to be approved before we put him in. If the Director said "no" - we would put him in, and - bang - he would be retired. Doesn't that

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eliminate this problem?

. . . . Mr. Warfield nodded in the affirmative

25X1A9a MR. [REDACTED] In this particular case I would see a substantive difference in that date asking for deferment until 31 July 1967 and the 1 November date asking for deferment until the end of December 1966.

MR. ECHOLS: Why?

25X1A9a MR. [REDACTED] Action of the Board -- the Board could hold its judgment for 45 days and then just go ahead and apply the appropriate date.

MR. ECHOLS: That would be a sneaky way of doing it - to deliberately delay. We are under an injunction to get this job done, and I don't think this is the way to go about it. The decision to extend is reserved to the Director at the present time, and I think we should go ahead as we have been--

25X1A9a MR. [REDACTED] I don't think the Director is going to say: Has this man been before the Board?

25X1A9a MR. [REDACTED] No -- this is all a part of your initial processing of cases.

MR. ECHOLS: If it is agreeable, then, we will just go ahead and wind up the last few cases this way --

25X1A9a MR. [REDACTED] Yes, that is the way, it seems to me. If there were a great number of cases -- I mean, a really flagrant avoidance of the spirit of the thing -- but there isn't.

MR. ECHOLS: May I have a motion we accept the Minutes as presented?

25X1A9a [REDACTED] Under item 4, the last sentence - "It was generally agreed that this could be ..." -- I thought it was generally agreed that this would be a matter for further discussion by the Board.

MR. ECHOLS: I quite agree with you -- that last sentence should read: "It was generally agreed that this would be a matter for further discussion by the Board at a future meeting." Indeed there is work to be done.

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May I have a motion that the Minutes as corrected
are approved?

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MR. [REDACTED] So move.

. . . . This motion was then seconded and passed

MR. ECHOLS: I would like to bring your attention immediately to an item that was referred to me by the Executive Director in a specific, recent case where a [REDACTED] memo came from the Deputy Director concerned, dated 5 October, requesting the extension of an individual whose mandatory retirement date was the 19th of October. Actually, I think, in view of the fact that we didn't recognize the [REDACTED] urgency of the case, and there was no Board meeting scheduled, the case actually got to the Director after the mandatory retirement date, which left the Director no choice but to extend the man. There was no problem in this case -- the Director was apparently glad to extend to the desired date. But I was asked to call attention to the fact that it [REDACTED] is undesirable to ask the Director retroactively to validate a fait accompli, even to a partial period, and to request each of you if you have extensions to get them in on a timely basis so that the Director makes a forward-looking decision. I think this is, of course, correct. So we will watch them very carefully, and if there are any rush cases we will make sure they get up there in time -- but I ask you to help, and get any extensions in early -- I'm sure you know what you want to do at least several months before the fact -- and should the decision be negative, the individual is entitled to time to bring about his return from overseas and wind up his affairs, and so on. So I think in the future months, years, early requests for extension will be very much in order and very pertinent.

There is a new subject which I would like to bring up here, not that there is much for us to discuss at this time. You may have read in the newspaper that retirees under the Civil Service System are about to get a cost of living increase in their retirement annuities by reason of the fact that

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the cost of living has increased more than three percent for the required three consecutive months.

Now let me remind you of something. The original cost-of-living increase in annuities which is authorized in the Salary Reform Act said that when the average annual cost-of-living price index exceeded the base year of (1965) by more than three percent -- the Commission making this determination based on the Bureau of Labor Statistics' index, of course -- that the adjustment in annuities would go into effect to the nearest one-tenth of one percent on the April following this average annual comparison. This meant, at the very least, with the cost of living rising gradually, that at some point it considerably exceeds three percent -- so you average it out for a calendar year and if it averages out to more than three percent the adjustment goes into effect in April. So there is a lag of at least three months -- assuming the average came right on the button on the last day of the year, there is at least a lag of three months before people get the benefit of the adjustment.

That law was changed because there were complaints about the fact that the system was not responsive, in terms of time, to the actual increases in cost of living. So the new Civil Service law now says if for three consecutive months the cost of living exceeds that of the previous base (month), there will be an immediate increase -- and such a thing is apparently about to occur.

Well, in our proposed legislation we had hoped to have this conform to the Civil Service law, but our legislation hasn't gone through. So we have this problem that we're still stuck with -- or you might say at first blush we seem to be stuck with the old average annual increase with an effective date 1 April the following year. Now our legal people are researching this -- but when we read our law, it says this: (Reading from P. L. 88-643, Part J - Cost-of-living Adjustments of Annuities)

"On the basis of determinations made by the Civil Service Commission pursuant to section 18 of the Civil Service Retirement Act, as amended, pertaining to per centum change in the price index, the following adjustments shall be made."

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And the next paragraph then says that 1 April is when we will make these changes each year, if there has been such a determination. But I would submit -- and our lawyers are researching this right now -- that in all probability we are no longer stuck with the calendar year because of the specific reference to this specific statutory provision - "as amended." Well, it has been amended and is no longer a base year, an average year index, but a three consecutive months basis has been established. And under the Civil Service System it's possible that in any one year there could be four cost-of-living index increases of in excess of three percent, and they could put through four increases in one year. We would get our increases but we would have to wait until 1 April after a full year has elapsed. Well, if by reason of this provision "as amended" we're free of the average year and are indeed subject to the decisions of the Civil Service Commission on this provision, the only decisions they make on this provision now are based on the 3-months period, and since these are the only ones they make and our law says based on the decisions they make with regard to this provision, as amended, it would seem that we have a good chance, at least, of getting a decision that we are in fact on the 3-months basis, and as soon as the Commission makes a decision on the 3-months basis it's ours -- but our effective date is still the following April.

MR. WARFIELD: Well, if our lawyers agree with your contention, is that all that is required to implement it?

MR. ECHOLS: We believe that is all that will be required to implement it -- when the decision has been made by the Commission, we would put it into effect. At the worst this would mean that there would be a 12 month lag in our being able to put into effect what they had put into effect at some time during the previous year.

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MR. [REDACTED] It seems to me your interpretation is a little too narrow. It seems the obvious intent here is to make the provisions of our Act similar to the other one and the 1 April provision would be washed out.

MR. ECHOLS: I tried to argue that way -- and that is still

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worth exploring, and our lawyers will explore it -- except our law itself has two complete paragraphs pertaining to the effective date of these decisions, whereas the previous part that I read to you concerns arriving at the decision that an adjustment is in order -- but I don't believe that phrase "as amended" is going to negate or change the actual wording of a law which specifies the effective date - and that is the opinion of at least some of the lawyers in the Agency.

25X1A9a MR. [REDACTED] I'd like to take that case. (Laughing)

MR. ECHOLS: But we are certainly going to do the best we can and certainly try to get our legislation adjusted, if necessary.

25X1A9a MR. [REDACTED] When do you expect to get the opinion? and if you get it, will you act on it?

MR. ECHOLS: I expect to get the opinion I would hope certainly within two weeks. I don't see much excuse for something like this going on longer than that. Joe, would you like to comment?

25X1A9a MR. [REDACTED] I have a comment but on a totally different premise. Even admitting all of your considerations, there is another condition there in our law, if I remember that section correctly, that the application of this as far as 1 April 1967 relates only to retirements that were effected before 1 January (1966), so that we are still stuck for another full year even if you could do it under the 3-months basis. (Reading from P.L. 88-643, Part J - Cost-of-living Adjustments of Annuities)

"(1) Effective April 1, 1966, if the change in the price index from 1964 to 1965 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1965, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum."

So I think it has to be annuities more than a year old -- and I need to focus my thinking on this - I'm thinking too strongly on the point Emmett just made -- but I think it's annuities more than a year old -- I think the annuity has to be effected before January 2nd of one year for a rise 15 months later.

MR. ECHOLS: Well, Joe, that was the initial provision for

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the year 1964-1965 -- but the next paragraph says:

"(2) Effective April 1 of any year other than 1966 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum."

25X1A9a MR. [REDACTED] So I don't think that this consideration is going to change your practical application.

MR. ECHOLS: It's up to you lawyers to get us out of this mess. There's nothing we can do about it.

25X1A9a MR. [REDACTED] Well, isn't there some question of advising annuitants--

MR. ECHOLS: I think certainly some publicity should go out on this just to keep down the grumblings and rumblings. In fact, I think it should not affect anybody's decision as to what system he wants to be under -- because if he goes under the Civil Service System he is going to get a 3.75 reduction in terms of his high-5 salary, which is a significant amount of money. At the most, under this System, the man is going to lose out for a period of months an amount not precisely determinable but presumably 3% of his annuity -- which is a great deal less, money-wise -- but if this is going to recur again and again over the years this could amount to a significant sum of money, but I don't think at any time would it equal the loss of 3.75 of high-5.

25X1A9a MR. [REDACTED] Well, we should do everything we can --

MR. ECHOLS: But this is suddenly a matter of great importance, I think, to the Agency, and we ought to do the best we can to clear this up and explain it to employees just as fast as possible.

MR. WARFIELD: What are the prospects for getting this into next year's legislative package?

25X1A9a MR. [REDACTED] No problem on that -- it's already in there, and it would be introduced in its present form.

MR. ECHOLS: Well, I would urge this, Joe, that true, it's in our proposed legislation that we have the exact same thing the Civil

SECRET

SECRET

Service Retirement System has, but I would think it would be appropriate to add to that legislation some retroactive provision which would enable us to make good any losses that our people have incurred. There is no doubt the original intent of Congress was to give us the same thing Civil Service had.

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MR. [REDACTED] I think the present wording is adequate to take care of that -- but certainly we will be checking it from that point of view.

MR. ECHOLS: But I agree with you, Gerry, it's important to get the information out. I don't think it's necessary to publish something Agency-wide, necessarily, but for people who are affected, or people already out or ready to go out --

MR. WARFIELD: Yes, a form letter to go to them.

MR. ECHOLS: So we will look for this from General Counsel --

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MR. [REDACTED] Will you see that we are on the distribution for anything on this point?

MR. ECHOLS: Yes, you certainly will be. And I think it's going to be your responsibility in future years, I would think, to automatically put into effect the adjustments that are authorized.

MR. ECHOLS: Of course, we will know when the decision is made by the Civil Service Commission, because it will be widely publicized.

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MR. [REDACTED] We can get the information from the Civil Service as to what they have decided and what the effective date is.

MR. ECHOLS: Well, if this is the last bug in our legislation, I'll be surprised. Okay.

I think our first order of regular business is Category A here, in which we have 19 cases of those who will immediately acquire a vested interest.

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[REDACTED] I would call attention to No. 4, [REDACTED] 25X1A9a

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[REDACTED] as being one of a small group of cases that we have in DDS&T where the overseas service was performed through agreement with NSA under special

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Next 2 Page(s) In Document Exempt

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MR. ECHOLS: Does anybody have reservations about giving a man credit even though he may not in fact be performing service for the Agency, at our request? This happens sometimes in cases of LWOP -- a man may actually leave the Government service on LWOP, go out and get a job with industry, and yet he gets six months' creditable service during the time he is not performing service. There is this precedent.

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MR. [REDACTED] The record doesn't show that true nature of the transaction, that is the point, and I think where we have these reimbursable details we ought to separate the time periods so that we can see whether that would make any difference and, if so, look into the merits of that particular case.

MR. ECHOLS: Well, I do think it's desirable that we ask the Career Services to clearly indicate any periods of non-reimbursable detail or if LWOP would have any effect here, just so we know what we're doing and the record is clear. In a given case we might conceivably think otherwise.

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MR. [REDACTED] In LWOP, though, it's done on the basis that it's to the benefit of the Agency, isn't it?

MR. ECHOLS: You're hoping to get the guy back, that's the principal thing.

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MR. [REDACTED] But isn't it specifically mentioned that it's for the good of the Agency?

MR. ECHOLS: You should not put a person on LWOP unless it is deemed to be in the best interest of the Government. Usually this is in terms of hoping to get him back.

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MR. [REDACTED] And literally it couldn't be done for the individual's personal benefit because in that event you couldn't pay his travel expenses, nor could the receiving agency, if that were the primary reason - to satisfy his desire for that assignment. Your primary reason would always have to be the Government's best interest.

MR. ECHOLS: It seems to me they must want him or they

SECRET

Next 7 Page(s) In Document Exempt

SECRET

and that for these people it could be a recruiting tool, that these people after 20 years could--

MR. ECHOLS: We made a great point in our submissions to Congress about the physical and mental exhaustion -- people who have just "had it" -- and this was a major factor in our getting this System -- and just to defeat that purpose, for other than compelling operational reasons, I think would be absolutely wrong.

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MR. [REDACTED] I think you have answered my question by saying these people "have had it." It seemed to me a little vague.

MR. ECHOLS: Maybe they just want to go out.

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MR. [REDACTED] I can understand their wanting to retire. I'm looking at it from the Agency's and the Director's point of view.

MR. ECHOLS: Well, I think it's up to the Career Service to make a case for keeping a particular individual if they think they have to, and if they have not done so then they have endorsed the request.

Any other discussion on these two cases? (No response.)
May I have a motion that their retirements be approved?

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MR. [REDACTED]: I so move.

. . . This motion was then seconded and passed . . .

MR. ECHOLS: I'm very happy to report -- and the statistics that I get just somehow never seem to agree, some how or other -- but we have, I think, somewhere between 29 hard cases that the DD/P is still struggling with, and 114 cases which--

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MR. [REDACTED] This is based on what my staff has in hand as of 11:00 o'clock this morning.

MR. ECHOLS: I understand of these 114, then, that the Career Services still have, I've been told privately that most of them are down to the last minute paper work -- the decisions have all been made and the reviews have been made on most of them -- all but 29, I think -- and it's

SECRET

SECRET

just a matter of getting a piece of paper from the Career Services to us to put us to work on them.

MR. WARFIELD: What is the workload going to be like after this is accomplished? Do we start then picking up the ones that become eligible for consideration--

MR. ECHOLS: There always will be the new increment coming in, and the 5, 10, 15 year reviews. I think most 5 and 10 year reviews will disappear, because I think most people at the time we make the reviews will clearly meet the minimum requirements set forth, and there won't be any reason to bother this Board with it -- this will be purely a staff review, I think. There will be the occasional case, I think, where a person has not met the minimum requirements, and we will have to examine with the Career Service what his prospects are of ever doing so, and if they are not reasonable we would have to remove him from the System. But I think the workload is going to be quite light.

MR. WARFIELD: Do you think we can maybe meet once a month?

MR. ECHOLS: Oh, I think that would be ample.

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MR. [REDACTED] Is there anything more on the 55/30 and the 60/20?

MR. ECHOLS: I have a paper upstairs right now reviewing the impact that the new changes in the Civil Service retirement would have on our practices if we left unchanged our present regulatory language. I have given argumentation, [REDACTED] pro and con, for adopting or not adopting this new provision. It's up there for a decision as to how the Agency wants to coordinate this study, and I expect a decision on it any day now. One suggestion is made that this subject should be reviewed by each of the two Agency retirement boards. I think it would be much more effective to send it out to each of the Deputy Directors and have them do the normal staff work

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SECRET

on it and come back with their concurrences or non-concurrences, or modifications -- and this is what I have recommended.

MR. WARFIELD: On what? What are you sending out for concurrence?

MR. ECHOLS: This staff study.

MR. WARFIELD: What is the staff study?

MR. ECHOLS: Well, our Regulation says that people shall retire as soon as they can get an annuity without a reduction, but there have been two new provisions in the Civil Service retirement law permitting people to retire at 55 with 30 or at 60 with 20 without a reduction, so if we don't change our Regulation and incorporate these changes, as our present regulations require us to do, we would be having a mandatory retirement at 55 with 30 or 60 with 20, and we are not doing that in practice, and we have to get a decision in these areas and make appropriate changes in the regulations.

MR. WARFIELD: The Agency's policy is it expects people to, but I don't know that we have ever had the test --

MR. ECHOLS: Will we expect people to retire at 55 with 30, that is the question.

MR. WARFIELD: Well, you expect them to, but as far as I can see there is no teeth in this thing that makes a guy retire before 70.

MR. ECHOLS: Well, I think there must be in fact a lot of teeth in it, because to date we have not had anybody fight it down to the wire -- so the advance planning and thinking that goes into it, apparently is producing results.

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MR. [REDACTED] This question of whether people will be expected to retire at 55 with 30 or 60 with 20 applies to people retiring under the Civil Service System. But how about under our [REDACTED] CIA System? - it won't change the CIA System--

MR. ECHOLS: That particular regulation has no bearing on

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the CIA Retirement System. It speaks only to the Civil Service Retirement System.

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MR. [REDACTED] Presumably if you exerted (morale) pressure with your right hand, you could do it with your left, though.

MR. ECHOLS: This above all I think is important: I think there must not be significant discrepancies between the two Systems unless they are really planned out carefully, and are desired, and are going to be enforced.

MR. WARFIELD: What are you recommending? Or are you not going to tell yet? (Laughing)

MR. ECHOLS: I'm recommending that our Regulation be rewritten so as not to automatically incorporate the 55/30 provision but that we do incorporate the 60/20 provision. This will give us a standard retirement age of 60 for all persons who can get an annuity without a reduction, and the only other group, then, that cannot get an annuity until age 62 are those that have less than 20 years' service and more than five.

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[REDACTED] Then you would keep the 62 --

MR. ECHOLS: Yes, because otherwise you would be forcing people out with no annuity -- and this is inconceivable, in my opinion.

I have also recommended -- I'll lay all my cards on the table -- I pointed out that there is a gross inconsistency between our two retirement systems with respect to grade 18's. Under the CIA System, which is alleged to be an early retirement system, there is a mandatory retirement age of 65 for GS-18's. I can't think of any justification for this -- and if you're going to have it in the one system, it seems to me whatever arguments are valid there would apply with equal validity to the Civil Service retiree in the GS-18 category. So I am recommending that our Regulation be changed, notwithstanding the permissive nature of our law, to set 60 as the retirement age for GS-18's under the CIA Retirement System. That I think will eliminate any obvious irrationalities between the two systems. But as I

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SECRET

say, there has been no decision as to how we are going to coordinate this paper.

Any new business? Any other business? (No response.)

Okay, let's adjourn.

. . . . The meeting adjourned at 3:05 p.m.

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